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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/319,071	07/07/1999	RITSKE CLEWITS	96.968US	2335

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EXAMINER

PATEL, JAGDISH

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 07/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/319,071

Applicant(s)

CLEWITS, RITSKE

Examiner

JAGDISH N PATEL

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2-4 and 10-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-4 and 10-12 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: PTO 892 - Paper No. 6

**DETAILED ACTION**

1. This communication is in response to amendment filed 3/21/02. It incorporates preliminary amendment filed with the original application. Note that this office action also includes a substitute PTO-892 form with correct Applicant name.

***Drawings***

2. The corrected or substitute drawing Fig. 1 was received on 3/27/02. This drawing is ACCEPTABLE.

***Response to Amendment***

3. Claims 6-9 have been rejected. Claim 10 has been amended. New claims 11 and 12 have been added. Claims 2-5 (dependent on claim 10 per the preliminary amendment), and claims 10-12 are pending and have been examined.

4. This office action is a Non-final office action.

***Response to Arguments***

5. Applicant's arguments with respect to independent claims 10-11 and depending claims 2-5 have been considered but are moot in view of the new ground(s) of rejection.

***Specification***

6. The abstract of the disclosure is objected to because the specification fails to properly identify elements of Figures 1 and 2 as listed below.

p. 5 line 24, recites "system S".

p. 7 second paragraph refers to Fig. 2, however, parts of Fig. 2 identified only as "modules 11, 12, 13, 14, and 15". No description of the modules is provided. Correction is required. See MPEP § 608.01(b).

***Claim Objections***

7. Claim 4 is objected to because of the following informalities:

Line to 2 "separate programming means" to "a  
separate programming means". Appropriate correction is  
required.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate  
paragraphs of 35 U.S.C. 102 that form the basis for the  
rejections under this section made in this Office  
action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or  
described in a printed publication in this or a foreign country, before the  
invention thereof by the applicant for a patent.

9. Claims 2, 3, and 10-12 are rejected under 35  
U.S.C. 102(a) as being clearly anticipated by Ijichi et  
al. (WO96/17316) whose translation, and referenced sections,  
will be provided by the US equivalent Ijichi et al. (US  
5,932,859) (hereafter Ijichi).

Claim 10: Ijichi teaches a system for selective activation  
of one or several software and/or hardware functions in a  
programmable device (refer to Fig. 2, electronic wallet 20 in  
conjunction with IC card 30), comprising:

Reading means for receiving an electronically readable information carrier that includes a programmable memory for storing a numerical value (IC card 30, col. 4 L 33-41 stores information indicating amount of money).

Programming means for modifying said numerical value in accordance with the functions activated in the programmable device (electronic wallet 20 used in conjunction with the IC card 30, col. 4 L 42-60).

Claim 2: the programming device comprises the programming means and the reading means (the electronic wallet 20 ..confirms the amount of money stored in the IC card 30 (reading means) and transferring means which requires storing updated amount of money in the IC card 20 (programming means), col. 4 L 42-60).

Claim 3: programmable device is an automatic payment machine (electronic wallet 20, col. 4 L 42-60);

Claim 11: Ijichi teaches a system for selective activation of one or more software and/or hardware functions of a programmable device (electronic money recovering system, abstract) comprising at least temporarily a timer (a timer 52 for computing present time, col. 4 L 18-33), programming means for programming the timer (control unit 55 as shown in Fig.

1, which controls the timer, col. 4 L 18-33), a reading means for receiving an electronically readable information carrier with a programmable memory capable of containing a numerical value (an IC card read/write unit 12, Fig. 1 and col. 3 L 53-57), and wherein the timer is coupled at least temporarily to the programming means (timer 52 is coupled to the control unit 55, as explained in col. 4 L 18-33, specifically refer to functionality of the control unit 55), which programming means comprise the reading means (IC-card R/W unit 12 which is integral part of the system), and at least temporarily the electronically readable information carrier (col. 4 L 33-41, electronic money can be transferred to and from ..by inserting the IC card into the IC-card R/W unit).

Claim 12: Ijichi teaches a method of activating a function of a programmable device having plural functions that are selectively activated, the method comprising the steps of:

Electronically reading an electronically readable information carrier on which a first value is stored (Fig. 2, when the IC card 30 is inserted into the wallet 20, the wallet 20 ..plays the role of an intermediate portable terminal, col. 4 L 42-55, the functions described require reading the information);

Coupling the programmable device having plural functions that are selectively activated to a program capable of selectively activating the plural functions (electronic wallet is coupled to a program which selectively activates the plurality of functions as described in col. 4 L 44-55, note that the program that perform such functions is embedded in the electronic purse and therefore the coupling step is inherent in the cited lines);

Selecting for activation at least one of the plural functions; activating the selected functions (col. 4 L 44-55, performing the functions requires selection and activation by a person who owns the IC card);



Coupling the program to the information carrier  
(col. 4 L 44-55 the IC card 30 is inserted into the  
wallet 20);

Debiting from the first value a second value of the  
activation function (col. 4 L 44-55..refer to exemplary  
function, transferring from one IC card to another..).

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a)  
which forms the basis for all obviousness rejections  
set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 4 is rejected under 35 U.S.C. 103(a) as being  
unpatentable over Ijichi as applied to claim 10 above,  
and further in view of Hayashida (US Pat.  
6,003,767) (hereafter Hayashida).

Ijichi fails to teach that the programmable device  
(electronic purse 20) to separate programming means as

recited in claim 4. Hayashida, in the same field of endeavor, teaches a programmable device (cashless medium 1, shown in Fig. 1), which is coupled to at least temporarily to separate programming means which comprise reading means and at least temporarily, the electronically readable information carrier (referring to Fig. 4, the cashless medium 1 is temporarily coupled to the ATM terminal unit 2, or alternatively to POS terminal 4).

It would have been obvious to one of ordinary skill in the art at the time of invention to implement the claimed feature as disclosed by Hayashida into the Ijichi system as discussed in claim 10, whereby the programmable device is coupled to separate programming means comprising reading means as per claim 4, because this would allow alteration of the numerical value loaded into the programmable device. For example, if the programmable device is an electronic purse an initial amount of money and identifying information,

security data etc. must be loaded by an issuing party via a separate programmable device (terminal) having a reading means.

***Allowable Subject Matter***

12. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US-PAT-NO: 5649118 to Carlisle et al. teaches a Smart card with multiple charge accounts and product item tables designating the account to debit.

US-PAT-NO: RE37067 to Fiken teaches a Chip card based payment system having an on-card flag for specifying proper completion of a prior card balance replenishment session.

US-PAT-NO: 5933812 to Meyer et al. discloses a Portable transaction terminal system.

US-PAT-NO: 5917168 to Nakamura et al. teaches a System and method for revaluation of stored tokens in IC cards.

US-PAT-NO: 5909502 to Mazur discloses a software loading system for a currency scanner.

US-PAT-NO: 5844218 to Kawan et al. teaches a method and system for using an application programmable smart card for financial transactions in multiple countries.

US-PAT-NO: 5705798 to Tarbox teaches a system and method for processing a customized financial transaction card.

US-PAT-NO: 5438184 to Roberts et al. teaches a Method and apparatus for electronic cash transactions.

US-PAT-NO: 5006698 to Barakat discloses a Antifraud method and device for a selective access system.

Farrell, J.J., III; Smartcards become an international technology, TRON Project International Symposium, 1996. TEPS '96 , 1996 Page(s): 134 -140.

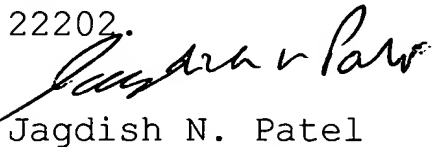
This reference provides a general overview of the smart card technology as of the priority date of the instant application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jagdish Patel whose telephone number is (703) 308-7837. The examiner can normally be reached Monday-Thursday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1038. The fax

number for Formal or Official faxes to Technology Center 3600 is (703) 305-7687. **Draft faxes may be submitted directly to the examiner at (703) 746-5563.**

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113 or 308-1114. Address for hand delivery is 2451 Crystal Drive, Crystal Park 5, 7<sup>th</sup> Floor, Alexandria VA 22202.

  
Jagdish N. Patel

(Examiner, AU 3624)

June 19, 2002